

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
MARCH 13, 2000**

881000

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Brennick absent.
MINUTES OF PREVIOUS MEETING 1. March 6, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Land development process review and recommendations (continued from 3/6/00).	Discussion item, only.
NEW BUSINESS None.	
CONSENT AGENDA 1. Approve March 13, 2000 claims in the amount of \$402,660.79 paid by check nos. 51049 through 51190 with check nos. 50695 and 51019 void. 2. Establish April 10, 2000 as the public hearing date for the 164 th Street Annexation; 60% petition; PA 9909042; and affirm Planning commission's recommendation to approve the prezone consistent with the city's Comprehensive Plan. The city attorney reworded item 2 to clarify that the council was scheduling the public hearing on the annexation, and combining with that a consideration of the Planning Commission's recommendations. It was not affirming those recommendations at this time.	Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. An Ordinance of the City of Marysville, Washington amending MMC 18C.10.010 relating to school impact fees. 2. An Ordinance of the City of Marysville, Washington vacating a portion of 56 th Street NE west of 75 th Avenue NE, Marysville, Washington. 3. A Resolution of the City of Marysville declaring certain items of personal property to be surplus and authorizing the sale or disposal thereof. 4. A Resolution of the City of Marysville granting a utility variance for Katie DeVore for property located at 4827 72 nd Place NE, Marysville, Washington. 5. A Resolution of the City of Marysville granting a utility variance for Gary D. LaMarsh for property located at 3725 93 rd Place NE, Marysville, Washington, subject to conditions. 6. A Resolution of the City of Marysville denying an application for utility variance for Borseth Construction Inc. for property located at 4617 120 th Street NE, Marysville, Washington. 7. A Resolution of the City of Marysville granting in part and denying in part a utility variance for Boyden, Robinett & Associates, L.P. for property located at 10719 60 th Avenue NE, Marysville, Washington. 8. A Resolution of the City of Marysville granting a utility variance for Dennis G. Carlson for property located at 4629 100 th Street NE, Marysville, Washington.	Approved Ordinance 2316. Approved Ordinance 2317. Approved Resolution 1971. Approved Resolution 1972. Approved Resolution 1973. Approved Resolution 1974. Approved Resolution 1975. Approved Resolution 1976.
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
EXECUTIVE SESSION 1. To discuss a personnel issue.	
RECONVENE No action taken.	
ADJOURN	10:40 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
MARCH 13, 2000**

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:

David Weiser, Mayor
Mike Leighan, Mayor Pro Tem
Shirley Bartholomew
Norma Jean Dierck
Donna Pedersen
Suzanne Smith
John Soriano

Administrative Staff present:

Dave Zabell, City Administrator
Robert Carden, Chief of Police
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Owen Carter, City Engineer

Mayor Weiser advised that Councilmember Brennick was on vacation.

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, March 6, 2000.

Councilmember corrections were as follows:

Page 5, 4th paragraph, Maya Oosterwyck should be Marja Oosterwyck; Cooley's should be Kuhnle's.

MOTION by Dierck, second by Pedersen, to approve the minutes of the March 6, 2000 meeting as corrected. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION

None.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

None.

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business.

1. Land development process review and recommendations (continued from 3/6/00)

Mr. Carter gave the staff presentation on the Jerry Weed report; he also referenced a memo from Mr. Weed which contained additional recommendations. He noted Mr. Weed's report was essentially based on interviews with 12 staff members, 4 developers, representatives from two recent permit applicants, and gathering information from Lynnwood and Redmond. Two general comments from the interviews were: staff was highly committed and there was a high level of stress.

Mr. Carter gave a detailed presentation on the interview comments:

Compensation.

Equitable treatment of all staff. Some issues were being worked on with individual staff members; these were confidential.

Knowledge, duties, and process.

Management does not support decisions. Decisions were overruled without the staff member's input.

City codes and interpretation. Staff felt there were problems with the city's codes; the development community thought the codes were fine, but questioned how they were being interpreted.

Communication. These concerns included staff not answering phones, not getting prompt replies to messages, having to "hound" staff to get an answer. Mr. Carter indicated their practice had changed to require all calls to be returned the same day or the next morning at the latest. Staff members did have blocks of time when they did not take calls so they could concentrate on projects, but the blocks were staggered.

No lead city staff. The concern was that one person did the initial review, then someone else reviewed it when the plans came in, often resulting in different comments. Mr. Carter stated he was now assigning a staff person to each new project and that person would follow it all the way through.

Councilmember Pedersen suggested instituting checklists and internal policy reviews or rewrites for clarity so the city's policies were being interpreted consistently and not subject to the personal opinions or interpretations of the various staff members.

Councilmember Smith suggested it was advisable to have more than one staff person review a project, but any check and balance system should take place internally before comments were passed to the developer. Mr. Carter stated they had started doing that. Mr. Carter added that he had scheduled time each week to participate in the reviews.

He felt consistency would result from the changes. Other jurisdictions assigned each project to a "team," during the pre-application meeting. That team was made up of a planner, engineer, and public works person and they saw the project all the way through to completion. Staff used that approach to an extent, but not completely. He stated that all work on a file was documented in a standardized format, so anyone picking up a file would know what had transpired.

Councilmember Smith asked if neighborhood meetings were mandatory. Ms. Hirashima responded that one was required after pre-application and before the official application because it was a part of the application. The meeting was not mandatory, but the city required them on larger projects and projects where there had been neighborhood issues. Generally, the notices of application were mailed out and if there were many phone calls in response to that, a neighborhood meeting was scheduled. They used to schedule them as a matter of course, but staff would be tied up there and none of the neighbors would come, so now it's done where there are concerns, only.

Bonding.

Project tracking. This was currently kept in a notebook and updated manually. Mr. Carter stated this may be converted to an Access database which could be shared on the network. This would allow the tracking of time, up-to-the-minute status reports, etc.

Recovery program. This was currently tracked on huge sheets, but would be input into the GIS system and would also be available on the internet for easy access by the public.

Regarding recovery, Councilmember Bartholomew asked if there were projects where the city had not collected. Mr. Zabell stated he was unaware of any instances where the city had failed to collect under a recovery contract, but there was a concern that not all of the old contracts had been recorded so might not show up on a title report. The city did keep a map at Public Works. Mr. Weed noted that the city's current practice was to ensure that recovery contracts were recorded. Mr. Carter explained that this had been raised by a developer who had not been told at the beginning of a project that he would be responsible for recovery on a water line; it was not until final approval during construction review that he found out he would have to pay \$11,000.

Planning/Public Works duplicate reviews. Staff was discussing how to be more efficient and avoid duplicate reviews.

Review times. Applications were reviewed on a first-in, first-out basis, but it took 25 to 30 days for the first review to occur. Most projects took more than two reviews, with some requiring 9 or 10. The development community desired quicker turn-around on any subsequent reviews following the initial one. Staff's review comments were sent to whoever signed the application, which might not be the property owner.

Review of projects. Mr. Carter stated that the major problem currently was that many engineers who were working for the developers were not good on quality control; it was staff's job to review projects and comment, but not redesign them to meet code. Having the Land Development Technician in place would help, because all plans would be reviewed for completeness before being accepted. Now, plans got logged in and put in the queue without being checked over.

Councilmember Leighan asked if the city charged for re-submittals; Mr. Carter stated that staff tracked their time and developers were required to pay for that time at \$40 per hour before mylars (signed plans) were issued. Currently, staff was seeing some plans up to nine times. The new focus at the pre-application level would help change that and get the number of reviews down to 3 to 5 like other cities are experiencing. Also, the city's checklist needed to be revised and simplified. A new logging system would be useful, also.

Mr. Carter noted the city received 80 to 90 applications per year and had more active projects than Lynnwood or Redmond. Ms. Hirashima added that many large projects moved through the planning stages last year but were unable to get final plans and start construction until just recently. The number of permits currently being issued was astounding.

Councilmember Pedersen stated she appreciated Mr. Carter's responsiveness to the report and staff's willingness to make changes.

Mr. Carter then reviewed the recommendations contained in the report, and showed organization charts for the existing and proposed organizations. He noted the vacant positions were budgeted for.

Chief Carden arrived at this point in the meeting (8:05 p.m.)

A lengthy discussion ensued about staffing, including duties, title changes, wage changes, full-time or contract employees, and lack of department-specific clerical staff. He noted he had discussed the suggested reorganization with his key people, Robin Nelson and Tom Laughlin.

Councilmembers then commented on the operational recommendations from the report.

Councilmember Smith emphasized her interest in neighborhood meetings. Ms. Hirashima responded that it couldn't be tied to a certain size of development as a 6-lot short plat in the middle of a well-developed area could generate a great deal of concern whereas a 6-lot short plat in the middle of open land would generate little interest or concern. If there was no interest, there was little point in spending staff resources on a meeting where people did not attend.

Councilmember Dierck asked about the suggestion on Page 9 about charging more for permits in order to have adequate staff. Mr. Carter responded that staff members charged their time to the various projects. Developers reimbursed the city for this time at the rate of \$70 per hour, so the city's costs were covered. This change had not been in place at the time the report was done. Regarding raising fees, the city attorney suggested the city was acting in a proprietary capacity when it reviewed projects. The Attorney General had issued an opinion that such fees were not affected by I-695.

A lengthy discussion ensued regarding how the proposed changes should be communicated to the Engineering Department and implemented. The city attorney reminded council that in both state law and the city's ordinance, the role of the council was separate and apart from administrative functions. It was completely appropriate for staff to review this report with council to receive its input and keep councilmembers informed, but there was no need for a motion or any other action by council to approve or disapprove any specific department's organization. Under both state law and the city's code, this fell under the auspices of the City Administrator or Mayor.

The Mayor called for a short recess at this point in the meeting.

Jeff Seibert, 5004 80th Street, commented as follows: the report and the department's response were steps in the right direction; supported computerizing information and getting it on the internet for public access; the 4 p.m. closing of the Planning Department made it difficult for citizens to conduct business; applicants should be required to own all the property they intend to use in their project before they submit a preliminary plat; make staff available to work with the county, especially on areas bordering the city; the development community should work through the appropriate city channels and not call individual councilmembers.

Mike Papa, 8127 54 Drive NE, supported having the full Department participate in discussing the proposed changes; supported more information on the web, particularly agendas; stated staff had been responsive when he needed to contact them.

There being no further comments, the Mayor closed the public comment portion.

New Business

None.

CONSENT AGENDA

1. Approve March 13, 2000 claims in the amount of \$402,660.79 paid by check nos. 51049 through 51190 with check nos. 50695 and 51019 void.
2. Establish April 10, 2000 as the public hearing date for the 164th Street Annexation; 60% petition; PA 9909042; and affirm Planning commission's recommendation to approve the prezone consistent with the city's Comprehensive Plan.

The city attorney suggested rewording item 2 to clarify that the council was scheduling the public hearing on the annexation, and combining with that a consideration of the Planning Commission's recommendations. Council should not be asked to affirm those recommendations as part of tonight's action, only to consider it as part of the topic on April 10th.

MOTION by Pedersen, second by Bartholomew, to approve consent items 1 and 2 (restated). Motion carried unanimously (6-0).

Legal

None.

Ordinances & Resolutions

1. An Ordinance of the City of Marysville, Washington amending MMC 18C.10.010 relating to school impact fees.

MOTION by Leighan, second by Smith, to approve Ordinance 2316. Motion carried unanimously (6-0).

2. An Ordinance of the City of Marysville, Washington vacating a portion of 56th Street NE west of 75th Avenue NE, Marysville, Washington.

MOTION by Dierck, second by Leighan, to approve Ordinance 2317. Motion carried unanimously (6-0).

3. A Resolution of the City of Marysville declaring certain items of personal property to be surplus and authorizing the sale or disposal thereof.

MOTION by Bartholomew, second by Soriano, to approve Resolution 1971. Motion carried unanimously (6-0).

4. A Resolution of the City of Marysville granting a utility variance for Katie DeVore for property located at 4827 72nd Place NE, Marysville, Washington.

MOTION by Dierck, second by Bartholomew, to approve Resolution 1972. Motion carried unanimously (6-0).

5. A Resolution of the City of Marysville granting a utility variance for Gary D. LaMarsh for property located at 3725 93rd Place NE, Marysville, Washington, subject to conditions.

MOTION by Bartholomew, second by Leighan, to approve Resolution 1973. Motion carried unanimously (6-0).

6. A Resolution of the City of Marysville denying an application for utility variance for Borseth Construction Inc. for property located at 4617 120th Street NE, Marysville, Washington.

MOTION by Pedersen, second by Smith, to approve Resolution 1974. Motion carried unanimously (6-0).

7. A Resolution of the City of Marysville granting in part and denying in part a utility variance for Boyden, Robinett & Associates, L.P. for property located at 10719 60th Avenue NE, Marysville, Washington.

MOTION by Smith, second by Leighan, to approve Resolution 1975. Motion carried unanimously (6-0).

8. A Resolution of the City of Marysville granting a utility variance for Dennis G. Carlson for property located at 4629 100th Street NE, Marysville, Washington.

MOTION by Leighan, second by Soriano, to approve Resolution 1976.
Motion carried unanimously (6-0).

DISCUSSION ITEMS:

None.

INFORMATION ITEMS:

1. Mayor's business.

- Amtrak offered to take two to four councilmembers on a ride from Marysville to Bellingham then back to Everett. This would be for elected officials, only, and they would have to wear heavy work boots and protective eyewear. After discussion, the city attorney noted the state's conflict of interest statute clearly spelled out that elected officials should not gain a special benefit that would not be available to any member of the general public. He recommended against accepting this offer. Mr. Zabell added that MMC 2.80.040 also spoke to accepting gifts.
- Reminded of the Downtown Merchants meeting on March 14.

2. Staff's business

Chief Carden reported on the graffiti meetings, noting they were collecting supplies, offers from volunteers were being received, and they regularly had 10 to 12 civic minded individuals at each meeting.

Attorney Weed reported on a successful DUI prosecution his office had just completed for the city wherein a 4-time offender received 280 days of jail time plus 150 days of electronic home monitoring, a \$3,000 fine, and revocation of his driver's license without possibility of reinstatement for four years. An interlock device would be required on his car for an additional five years. A rigorous evaluation and treatment plan were also ordered. He emphasized that the DUI laws were tough and were being enforced in the city. Chief Carden noted the jail time would cost the city \$11,500 and was not specifically budgeted for.

Ms. Hirashima stated she would distribute minutes from the first community meeting on the 116th Street Master Plan. Her department had also met with the Tribes and meetings were taking place with property owners. Two full days of a design charrette were being conducted with consultants involved with the process. There would be additional community meetings next month. There were some difficult issues with access, so she thought they would be presenting three alternatives.

3. Call on councilmembers

Councilmember Dierck:

- Suggested that two complete agenda packets be made available for the public.
- Asked about the status of the engineering for drainage in connection with the 164th Street annexation. Ms. Hirashima noted that a drainage study was done for the city for the area up to 152nd Street. That study was completed two months ago and the product delivered to the city. That was not part of the annexation packet but was something Public Works commissioned in order to have a better understanding of what kinds of drainage plans would be acceptable in that area. The study did speak to deficiencies to the south, including culvert sizing. Councilmember Dierck stated the comp plan identified two wetlands in that area and mentioned additional studies. Ms. Hirashima responded that the city required a wetland analysis at the site plan level, so prior to a development being approved a wetland study would be received. The city recently applied for a grant to do an area-wide wetland study for the Lakewood area and had discussed with Snohomish County the possibility of including that in the consultant's scope of work for the Lakewood Master Plan. That would all be dependent upon getting funding. The normal process would be to require a wetland study during the course of the development review.

Councilmember Soriano:

- Reported on the Park Board, noting the building on 64th and Grove and been tagged again.

Councilmember Leighan:

- Asked if the condition of Mr. Seibert's street had been rectified. Mr. Carter stated he would review that and report. Ms. Hirashima said the city allowed up to five years for a development to be completed.

Councilmember Smith:

- Asked if the drainage study area would be available to council before its consideration of the proposed annexation. Ms. Hirashima replied that it would not be part of the packet. Councilmember Smith expressed concern that council would be pre-zoning an area that might not be able to handle the development. Ms. Hirashima noted the city would require any development proposal to be consistent with the Department of Ecology manual. In that area, because ground water was so high, that would mean more storage and more drainage. Any development would have to be designed to meet the DOE stormwater requirements.
- There had been a mention in the Planning Commission minutes of a possible change to the city's urban growth area. She did not support pursuing any change at this time, when the city needed to focus on the tasks it already had. Ms. Hirashima noted the speaker at the meeting was representing the applicant for a comp plan amendment, and the city did act on those.

Councilmember Pedersen:

- Clarified that her recent trip to Washington, D.C. was a personal trip; it was not for the city and she did not use any city funds.
- Asked about animal control issues. Chief Carden reported that the Mayor was scheduling a meeting.
- Reminded everyone to vote on March 14.

ADJOURN INTO EXECUTIVE SESSION

Council adjourned into Executive Session at 10:30 p.m. to discuss a personnel matter.

ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 10:40 p.m.

Accepted this 27th day of March, 2000.

David Weiss
Mayor

Mary D. Quinn
City Clerk

Scott Hill
Recording Secretary